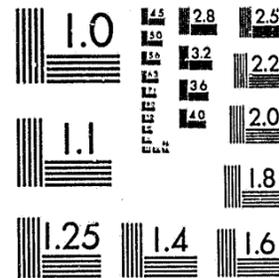


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STATE OF IOWA
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PRISONS AND KIDS

90357

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EXECUTIVE SUMMARY

This report is a survey of programs for incarcerated mothers and their children in 55 correctional institutions in all 50 states, representing a total population of 14,610 women. The scientific literature related to this topic is also reviewed.

The programmatic options that might be available for male and female inmates are discussed as continua within the major divisions of the child, the inmate, and the family. The options range from classes for inmates, available in almost 90% of the institutions; to prison nurseries, available in only one institution; to penal colonies.

The following observations summarize the principle issues:

1) For humanitarian and moral reasons, more can be done for inmates' children and their families. Which options are selected depend upon the characteristics of the particular case and the availability of funds.

2) As far as I have been able to determine, the reasons for discontinuing prison nurseries have been administrative, organizational, or political ones. I have not found any scientific evaluation or research that shows that having children in correctional institutions is either good or bad for the children, inmates, or the institution.

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3) With the past experiences of several states with prison nurseries, a valuable retrospective study could be conducted of former prisoner-mothers and the children who lived with them in correctional institutions in Florida, Illinois, Kansas, Massachusetts, and Virginia.

4) Iowa has had legislation since 1967 authorizing the use of work release for incarcerated mothers to care for their children and families, and since 1974 for incarcerated fathers, as well. Greater use of this statute (Chapter 247A.2) to maintain the family unit ought to be considered.

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PRISONS AND KIDS

Introduction

Having children live in correctional institutions is an emotional and controversial topic about which the public has strong feelings. An influential book titled "Why Punish the Children?" advocates the need to develop programs to maintain the mother-child relationship while a woman is incarcerated. On the other hand, some persons agree that the "punishment" is not the "separation" of a child from its mother, but the "imprisonment" of an innocent child in a prison.

This report is both a survey and a review of the literature of programs for incarcerated mothers and their children in correctional institutions. Other surveys have been conducted of state and federal institutions and of inmates' and correctional administrators' attitudes (Association on Programs for Female Offenders, 1979, 1981; McGowan and Blumenthal, 1978; Neto and Bainer, 1982; Zemans and Cavan, 1958). However, the present report summarizes the information obtained either by telephone or a brief questionnaire designed to determine what programmatic options are available to incarcerated mothers in state institutions and two federal institutions.

This survey is summarized in Chart I (see Appendix A) and in Table 1, and will be referred to in appropriate sections

Table 1.--Summary of Programs for Incarcerated Mothers and Their Children in 50 States (Representing 55 Institutions and 14,610 Incarcerated Women).

Programs	Yes	Planned	% of All Institutions
Classes for Inmates	46	3	89.1
Furloughs	42	1	78.2
Children's Centers	21	3	43.7
Overnight Visits with Children	17	3	36.4
Conjugal Visits	5	1	10.9
Community Facilities for Mothers and Their Children	4	0	7.3
Prison Nurseries	1	0	1.9

of this report. Information was obtained from all 50 states, but not from all women's correctional institutions. The total population of incarcerated women represented by this survey is 14,610 inmates.

The subject of incarcerated mothers and the maintenance of their relationships with their children is a multi-faceted one. It need not be restricted to incarcerated mothers, but could just as well include incarcerated fathers' relationships with their children.

A review of some of the literature takes us into the disciplines of sociology, psychology, psychiatry, social work, law, pediatrics, and corrections.

While this report began as an examination of day care centers and nurseries in correctional institutions, the subject is not adequately covered without also examining visitation policies and procedures, family units and conjugal visits, supportive services for inmates with children, and related topics.

Early in this study I asked to meet with Alfred Healy, M.D., (Professor of Pediatrics and Chair, Division of Developmental Disabilities, University Hospital School, University of Iowa) to discuss some of the issues that were involved in the State of Iowa's interest in providing assistance and programs for incarcerated mothers at the Women's Correctional Institution at Mitchellville, Iowa. He agreed to meet with me after he had had an opportunity to reach a consensus among his colleagues, including two pediatricians who were the present and past presidents of the Iowa Chapter of the American Academy of

Pediatrics, a psychologist, and a child abuse expert.

While these five professionals were initially concerned about legislative and moral issues, and realize the decisions regarding policies toward incarcerated persons are political decisions, their views may briefly be summarized as follows:

1) The physical facilities in which children of incarcerated persons might be housed were of primary consideration. If the facility is the traditional prison cellblock and tiers of barred cells, they would, of course, be opposed to such an environment for children. If, on the other hand, the facility more closely resembles a college dormitory, as at the Women's Institution at Mitchellville, they had no problem with having children there. If the institution is basically clean, there are no contagious diseases, and the proper food is available, they could see no barriers to inmate-mothers having their children there with them.

2) The child-development concerns of these professionals suggested to them that the length of stay might be from birth (in a properly equipped and staffed nursery) up to about 18 months of age for the child. Although there was no definite upper age that was considered appropriate, they felt that the frequently mentioned upper limit of two years was too old for a child to live at an institution, and the child at that age or older might be stigmatized. They were supportive of a day care center that might be operated in conjunction with the surrounding community near the institution.

3) This group of experts stressed the individuality of each situation. What is the alternative to children staying

at the institution? Would the alternative be for a child to live with grandparents in a loving and nurturing setting, or would the child be bounced around from one impersonal foster home to another? Who should make these decisions? Dr. Healy endorses the concept of foster care review boards as proposed in the Iowa Legislature in March, 1983, under Senate File 322. Under this proposal, eight regional foster care review boards will study and make recommendations on individual cases to the court. This legislation could be expanded to apply specifically to the children of incarcerated persons.

Dr. Healy also believes that if the child did not spend a full seven days a week at an institution with its mother, then the whole issue changes. If the visit becomes one of 72 hours, a weekend, or once a month, then this represents just a visit and does not enhance the mother-child bond. The child would probably not relate to the mother as its principal provider. Little could be gained by a visit every month or two, and a continuous relationship was considered more important. As in the case of adoptive parents, the mother could still establish a good relationship with her child after two or three years (Ward, 1981).

Other issues that would need to be addressed include the following: the incarcerated mother would need to have the responsibility for caring for her infant if housed in the institution; special medical care might need to be provided in the case of congenital defects; 24-hour care, seven days a week would need to be available to the infant; the facilities would need to include a play area or playroom; there might

be a problem in identifying any incident of child abuse; and would this become an inducement for female prisoners to become pregnant?

In conversations and correspondence with Dr. Velma LaPoint, of the National Institute of Mental Health and an expert in child development at Howard University,¹ I was given an enlightening overview of some of the issues and dilemmas regarding incarcerated parents and their children. I have attempted to summarize her comments under these six categories: improving prison conditions, the goals of prisons, the total context, pregnant inmates and their newborns, children living in prison, and funding issues. This summary may sensitize the reader to the review of the literature and the options that will be presented in this report. At the outset, let me repeat what Dr. LaPoint emphasized to me: she is not saying that incarcerated mothers and their children should not spend time with their children, and she does emphasize that these observations and programs can be applied to incarcerated fathers, as well as mothers.

1) Improving prison conditions: Correctional officials could liberalize their visitation policies, provide adequate conditions for visitation, permit physical contact, and provide transportation assistance to enable the children and families of inmates to visit them in the prisons.

¹By telephone on February 22 and 23, 1983 and in a letter of May 18, 1983. This summary is my own, but it has been reviewed and approved by Dr. LaPoint.

2) Goals of prisons: We are being ambivalent when at one time we show adolescents, through "Scared Straight" programs, that prisons are ugly places, but at the same time place the very young in the mother's institution while saying, "Look how nice it is here."

There is some controversy over the goals of prisons and of the corrections system. Should it be rehabilitation? punishment? "Should the family be the center of controversy around correctional issues and philosophies?" We must retain the element of punishment. Should children be used to change the prison setting?

The "rehabilitation issue" has been brought into the debate over programs for incarcerated mothers and their children. The literature shows that rehabilitation in women's prisons is limited. It has been suggested that the maternal role can be rehabilitative. "By making them good mothers, this may help rehabilitate the women after their release," it has been argued. But Dr. LaPoint says, "Motherhood by itself will not work magic." Her preference is for the best services to be available while the mother and child are separated.

Dr. LaPoint writes,

Within the mental health field, there is a trend towards the deinstitutionalization of certain client populations. On the other hand, within the criminal justice field, there is a trend towards institutionalization of individuals convicted of serious crimes. However, it appears contradictory to institutionalize children who have not been convicted of crimes under the rubric of the rehabilitation of mothers. Children would be subjected to a restricted form of residential living. There is another issue related to institutionalization. It may be that if facilities are made better for incarcerated mothers, who generally comprise a majority

of incarcerated women population, judicial officials may in fact begin to sentence women to institutionalized settings as opposed to probation and/or assign longer sentences in institutionalized settings.

3) The total context: We need to understand the total context of the family, the child, the prison setting, and the society. We need to be aware of what went on prior to imprisonment. We need to make people more self-sufficient. Many women had their children as teenagers and at the same time faced other crises, such as, limited opportunities for employment, substance abuse, etc., which led to criminal activity. They lacked a sense of responsibility. There are ethnic and class differences in family functioning and child-rearing. Social services are needed, but providing them prior to incarceration, rather than after, is preferable. We must recognize the importance of the extended family, not just the nuclear family. "Have we used the existing support systems, instead of institutionalized care?" Lower-income whites tend to use available social services agencies, while blacks mistrust social services agencies and fear that they risk losing their children. People are not looking beyond the immediate situation. "We need to look at child development and the family perspective."

4) Pregnant inmates and their newborns: Dr. LaPoint advocates "incarcerated mothers and infants spend time together even though the infant is in foster care placement." If incarcerated mothers are able to keep their newborns in prison, then when should they be separated? These questions depend upon the length of the mother's sentence, and the institution's

facilities. "We must weigh, What is most harmful? When do you intervene?"

5) Children living in prison: Is it "good" to re-unite a mother and her child? "There are a lot of generalizations about 'bonding' and 'togetherness,' but we must consider the total setting of a correctional institution." Prisons should not be too comfortable. "There is a danger that we might program children to look upon institutions as pleasant places. We may create dependency among the low-income part of the population."

6) Funding issues: We need to address preventive measures. "Perhaps funds should be spent on prevention and services for mothers prior to their incarceration. What are the best priorities in the allocation of limited funds for offenders?"

Finally, Dr. LaPoint writes,

...I am convinced that high quality programmatic efforts have not been fully implemented to assist incarcerated mothers and children during incarceration, while mothers and children are separated. Reports have indicated that correctional and social service agencies have historically neglected this group of families. Yet, now, some individuals advocate extreme types of treatments, namely residential programs, as solutions when other viable alternatives have not been proposed or implemented. Given many unanswerable questions and other possible negative consequences emanating from some types of mother-child programs, I advocate the use of alternative programs as opposed to residential programs.

This report includes a summary of some of the legal issues in the next section. Subsequently, some of the literature and programs are summarized according to these dimensions or perspectives: the child, the inmate, and the

family. These dimensions are overlapping and interrelated, and within each of these, programs can be viewed as continua and can be examined from the perspective of the institution and its administrators. Particularly with regard to the subject of pregnant inmates keeping their babies in a prison nursery, an effort was made to contact those states that either still have such programs (New York) or those states that have had such programs in the past in order to determine why they were discontinued (California, Florida, Illinois, Kansas, Massachusetts, Pennsylvania, and Virginia).

LEGAL ISSUES

An Iowa Supreme Court decision in 1973 (Bowen vs. Bowen) replaced the "tender years doctrine" (or the "maternal presumption") by the "best interests of the child" in this custody case.¹ Although the issue of "bonding" was not crucial to this case, the decision coincides with a trend in the 70's to shift emphasis away from the earlier importance placed on "mother-child bonding," and this will be discussed later in this report.

The literature on the legal issues surrounding incarcerated mothers and pregnant inmates has stressed the problems and deprivation of prisoners' rights, and offered strategies for correcting unconstitutional conditions (Brodie, 1982; Holt, 1981-82; McHugh, 1980).

¹Gordon E. Allen, personal communication, and memo of 3/18/83 to Hal Farrier.

The Prisoners' Rights Sourcebook contains the following statement:

Although the emphasis here is on women prisoners, it is not in any way suggested that male prisoners should not be afforded the same rights in regard to their children as are women. Children should be allowed to visit their fathers as well. Fathers should not be deprived of their custody rights either. (Herman and Hoft, 1973, pp. 346-7.)

Legal actions can be brought by prisoners or through class action suits based upon the Eighth Amendment ("cruel and unusual punishment"), Fourteenth Amendment ("due process and equal protection"), tort claims if the state fails to provide adequate care and protection, and custody cases based on the "best interest of the child" yardstick (Holt, 1981-82).

The literature is most often weighted heavily on the side of prisoner advocacy and relies on rhetoric rather than empirical findings. At the same time, standards have been promulgated by various professional groups that have not been supported by research. Holt concludes that additional standards are not the answer, but that litigation by inmates is the best way to achieve reforms. "The desire to achieve penological goals must be balanced against the need to preserve ordinary human rights" (Holt, 1981-82, p. 543).

Reviews of state statutes regarding pregnant inmates and incarcerated mothers are frequently out of date and inaccurate due to changing political climates. (An important exception is the paper by Brodie, 1982.) New York is the only state that currently allows infants to remain with their incarcerated mothers after birth. Yet this statute has been criticized as "inadequate" because it imposes a time limit on the care of

the child (up to one year at the institution), and places an inordinate amount of decision-making power in the hands of the officer in charge (Haley, 1977).

A model statute has been proposed by the National Conference of Commissioners on Uniform State Laws and this Act is included in Appendix B of this report.

An Iowa custody case found the state statute terminating parental rights due to incarceration of a parent to be "unconstitutionally vague." The statute did not specifically mention incarcerated parents but provided for termination for the following reasons:

That the parents are unfit by reasons of debauchery, intoxication, habitual use of narcotic drugs, repeated lewd and lascivious behavior, or other conduct found by the court likely to be detrimental to the physical or mental health or morals of the child. (Code of Iowa, 232.41, (2) (a), 1975)

In *Alsager vs. District Court of Polk County, Iowa*, (406F. Supp.10, S.D. Iowa, 1975) "the court considered the state's interest in protecting children yet found in favor of a parent's interest in raising children in an environment free from governmental interference" (Haley, 1977, p. 150).

It is not clear whether a court ruling in favor of parents to raise children "free from governmental interference" can be resolved to accommodate a mother's desire to raise her child within a governmental institution.

Haley stresses the importance of the first three years of a child's development and shows an adherence to "maternal presumption" in the following statement:

During the tender years the mother is the focal point of the child's existence. When the mother is imprisoned, she is unable to play the pivotal role in her child's maturation that would otherwise be hers. (pp. 151-152)

The literature on the legal issues contains recommended reforms which include prison nurseries (Yale Law Journal, 1978), "mother-release" programs similar to work release (Palmer, 1972), community residencies for women offenders and their children, since the "prison is no place to carry or give birth to a baby" (McHugh, 1980, p. 259), and suggestions for legislative reform (Palmer, 1972).

Brodie (1982) has addressed the constitutional issues and reviewed state statutes on custody determination. She writes, "By implication, considerations of the availability of facilities within prisons, the extra planning required, and the effect of the arrangement on the rest of the prison population should be secondary to the needs of the child," (p. 690). She presents the following criteria used by courts in custody cases "for the purposes of determining the best interests of a child":

1) "It is to the child's benefit to remain with its natural parent."

2) "The child's needs are best served by continuity of care from a specific individual." This relates to whether the incarcerated mother plans to resume care of her child upon release.

3) The care-giver must be physically and emotionally capable of raising her child. This could be determined by an examination of the incarcerated mother by M.D.'s and psychologists.

4) The moral character of the mother should be considered, but incarceration is not evidence of unfitness.

5) The department would be expected to provide the "nominal expenditures" that are necessary for the "material needs" of the child.

6) A consideration of the child's age, or the "tender years doctrine," was "first enunciated in Virginia in Mullen vs. Mullen (1948) (and) illustrates the principle that as long as the mother is fit, there is a rebuttable inference that a child's place is with the mother, particularly in those cases where the child is of tender years." The Superior Court of Virginia does not apply this to the rights of the parents, but to the right of the child. "The "presumption" is, in fact, an inference society has drawn that such right is best served when a child of tender years is awarded the custodial care of its mother.'" (McCreery vs. McCreery, 1977, quoted by Brodie, p. 691). Brodie adds, "Just as the child's best interest must be considered in custody disputes between natural parents, it is clear that the reasoning of the tender years doctrine is equally applicable where the mother is incarcerated."

The conclusion to her paper is as follows:

The question of whether a woman who gives birth while incarcerated should be allowed to keep her child with her is in a state of flux. In the final analysis, the solution must balance the needs of the prison officials, the state, and the incarcerated woman with paramount attention given to the needs of the individual child. While opponents point to the dangers of prison life, it is essential to recognize that their catastrophic predictions have not materialized in those states which have experimented with the idea. For instance, no child has been held hostage. Children face comparable dangers in

the free world. All of their dangers are speculative and one does the best one can to protect children from them. The potential physical risk does not outweigh the recognized emotional benefits the child receives from being with its mother. The best way to ensure in the balancing process that the child's best interests are the pivotal factor, is to decide on a case-by-case basis, as called for in Wainwright vs. Moore,¹ whether an individual child should be cared for by its inmate mother (p. 692).

Sametz (1980) has discussed the "best interests" standard and contrasted it with the "least detrimental interests" standard, or as otherwise stated, it is a matter of the child's "physical well-being or overall welfare" versus the child's "instinctive and emotional needs." "In using the least detrimental interests standard, the court recognizes its limited ability to predict the child's future relationship with an adult who is not the child's biological parent." The child is seen as a victim of environmental circumstances and this promotes a speedy custody decision. "By avoiding the use of the best interests standard, the court does not weigh the child's rights against the adult's rights, but views the rights of all parties on an equal basis" (Sametz, 1980, p. 300).

Few researchers or correctional administrators would be willing to follow the following proposal, even though everyone agrees on the need for more research and evaluation:

It is time we began to take steps to correct our mistakes: to fund experimental prison nurseries and to carefully evaluate the emotional health of the children reared in them (Hoffman, 1977, p. 12).

The State of Wisconsin has given more attention to the legal issues of liability than the other states contacted. The following summarizes the concerns of the legal counsel of

¹374 So. 2d 586 (Florida District Court of Appeals, 1979).

the Wisconsin Department of Health and Social Services in giving tentative approval for day-long visits of children with their mothers at the Taycheedah Correctional Institution (letter from Ms. Kris Krenke, Treatment Director, March 18, 1983):

1) They do not feel that a state institution needs to be licensed as a child care giving institution such as day care centers in order to provide for extended visitation.

2) Regarding medical care, guardians should sign consent forms in advance to assure emergency medical treatment. In life-threatening situations, the institution is responsible for providing an ambulance and first aid. The institution has considerable flexibility as to whether to provide medical treatment on the institution's grounds.

3) Transportation to and from the institution depends on the availability of it, and who is to provide it. If the transportation is provided by the state, the state is liable only if negligent.

4) The institution's liability to the child or to the child's property while at the institution is the same as to any other visitor. Whether harm is caused by an inmate, another child, or by a staff member, the institution is responsible for using "ordinary care."

5) The institution must use ordinary care to prevent injury to the child by its mother. It must use care in screening for eligibility to participate in the program. This includes sexual abuse or injury by the mother or another person.

In the following sections of this report, the literature and available programs will be reviewed in this sequence: the child, the inmate, and the family. Of course, these divisions overlap considerably and underlying all of them are the goals and philosophies of the correctional institutions and correctional decision-makers.

THE CHILD

The traumatic effects of the parent's criminal behavior and the subsequent conviction, and the need for "both research and response by the social agencies of the community have been described elsewhere (Boudouris, 1971). Baunach (1979, 1982) has studied the effects of the separation of inmate-mothers from their children, and made the following conclusion:

For some mothers, an additional impact of the separation is to heighten their understanding of their own behavior and its effects on their children. Especially for mothers who had been involved in drugs or alcohol for prolonged periods, incarceration provided them with a chance to step back and take stock of the experiences their children have endured (1979, p. 121).

Bonding

Whether the topic is "the best interests of the child" or "the tender years doctrine," and whether the programs are prison nurseries or visitation, and whether the court is considering child custody or prisoner rights, the mother-child "bonding" issue comes up.

In most of the literature advocating programs for incarcerated mothers, the importance of the mother-child bond is the foundation for establishing or maintaining programs in the institutions or in the community. The

assumption is that mother-child bonding is necessary to the child's development and emotional growth, and in its absence, many undesirable consequences would result. Without arguing against programs for incarcerated mothers, the bonding issue needs to be examined according to some of the recent literature of this subject.

Margaret Mead, in 1954, summarized the state of knowledge and proposed a research strategy that is needed today as much as then. She wrote,

At present, the specific biological situation of the continuing relationship of the child to its biological mother and its need for care by human beings are being hopelessly confused in the growing insistence that child and biological mother, or mother surrogate, must never be separated, that all separation, even for a few days, is inevitably damaging, and that if long enough it does irreversible damage. This, as Hilde Bruch (1952) has cogently pointed out, is a new and subtle form of antifeminism in which men--under the guise of exalting the importance of maternity--are tying women more tightly to their children than has been thought necessary since the invention of bottle feeding and baby carriages. Actually, anthropological evidence gives no support at present to the value of such an accentuation of the tie between mother and child. On the contrary, cross-cultural studies suggest that adjustment is most facilitated if the child is cared for by many warm, friendly people (p. 477).

The bonding issue encompasses both neonatal contacts and mother-child separation. A 1976 book by Klaus and Kennell gave rise to the popular belief in the benefits of early physical contact. "The supposedly miraculous powers of skin-to-skin contact between mother and newborn child have been formally endorsed by the American Association of Pediatrics, the American College of Obstetrics and Gynecology, and the American Hospital Association," (Lamb, 1982, p. 9).

Yet, the research upon which this belief is based has been found to be seriously flawed. Lamb concludes, "Taken together, the studies that were reviewed show no clear evidence for any lasting effect of early physical contact between mother and infant on subsequent maternal behavior. The most that can be said is that it may sometimes have modest short-term effects on some mothers in some circumstances," (p. 11).

In a New York Times article that was published in the Des Moines Register (May 10, 1983), Jane E. Brody, contrasts some important differences between the 1976 and 1982 editions of the Klaus and Kennell books. From the 1976 edition she quotes the following: "There is a sensitive period in the first minutes and hours of life during which it is necessary that the mother and father have close contact with their neonate for later development to be optimal." But then she quotes Klaus as saying in an interview, "I wish we'd never written that statement. We don't agree with that statement now. Rather, I'd say there is a suggestion that for some mothers additional contact in the first hours and days of life may be helpful and in some it may have a profound effect on how they care for the baby, especially poor mothers with few social supports. Right now, there are no studies that confirm or deny the presence of a sensitive period or that measure how much contact is needed between mother and baby during the first hours or days of life to have an effect. Unfortunately, the word bonding has become confused with epoxy glue. This is too literal an interpretation. But because the work has

been misinterpreted doesn't mean you throw it out."

Brody quotes from the 1982 edition of the Klaus and Kennell book, (whose title was changed from Maternal-Infant Bonding to Parent-Infant Bonding), as follows:

In spite of a lack of early contact experienced by parents in hospital births in the past 20 to 30 years, almost all these parents became bonded to their babies. The human is highly adaptable, and there are many fail-safe routes to attachment. Sadly, some parents who missed the bonding experience have felt that all was lost for their future relationship. This was (and is) completely incorrect.

Chess and Thomas (1982) have placed the subject of infant bonding in the following social context:

In middle-class American society, the mother-infant relationship is invested with a special mystique, both in the mass media and the professional literature. In the marketplace, the image of the blissful, nurturant mother with a happy contented baby is used as a symbol of all that is desirable and good; by juxtaposition, these qualities are presumably transferred to the advertised product, whether it be soap or automobiles.

In the mental health field, the concept of the decisive importance of the mother for the infant's development took hold gradually, starting in the 1920's with Freud's and Watson's emphasis on the paramount importance of the first years of life (p. 213).

This view was supported by other studies in the 1930's and 1940's, and was climaxed by Bowlby's 1951 report on maternal deprivation. By the 1970's, Chess and Thomas state that there were frequent challenges to the "professional ideology" which "held the parents, primarily the mother, all-responsible for their child's developmental course." By the mid-70's the "new consensus" was that although the mother was important, the child's development was subject to other influences, such as, "the father, siblings, the pattern of family organization and function, school, peer groups, larger

social environment, and the child's own characteristics," (p. 215).

Rutter (1971), who collaborated with Chess and Thomas in 1963, is also critical of the "misconceptions, myths, and false knowledge" on child-rearing that are "rife." He studied British families and the long-term effects of different kinds of separation, such as working mothers, transient separations (illness or holidays), and permanent separations (death, divorce, or separation). On the basis of his review of the literature and his own research, Rutter concludes, "Separation experiences have some association with the later development of anti-social behavior, but this is due not to the fact of the separation itself, but rather to the family discord which precedes and accompanies the separation," (p. 256). Furthermore, he found that a good relationship with one parent can help mitigate the effects of a poor family situation characterized by discord.

In a more recent paper, Rutter (1979) summarizes some of the research and literature on the subject of maternal deprivation and the emerging issues. Some of these new issues that require additional research are: 1) the importance of the reciprocal relationship of parent-child interaction, 2) the need to study the links between childhood experiences and subsequent parenting behavior, 3) an appreciation of important factors outside the home, such as ecological influences and school experiences, and 4) recent attempts to explain why some children appear more vulnerable to stresses than others.

In conclusion, Rutter states,

New research has confirmed that, although an important stress, separation is not the crucial factor in most varieties of deprivation. Investigations have also demonstrated the importance of a child's relationship with people other than his mother. Most important of all, there has been the repeated finding that many children are not damaged by deprivation (p. 298).

Chess and Thomas summarize some of the positive consequences that resulted from the shift away from the "blame the mother" ideology: a) this reassured the mother that her child's problems could stem from many causes; b) that mistakes in parenting were not irrevocable and their correction could reverse a trend; c) parents did not have "to try valiantly to reach the ever-receding ideal of good parenthood like dogs after a mechanical rabbit;" and d) unnecessary and destructive maternal guilt was relieved.

Chess concludes:

As we grow from childhood to maturity, all of us have to shed many childhood illusions. As the field of developmental studies has matured, we now have to give up the illusion that once we know the young child's psychological history, subsequent personality and functioning is ipso facto predictable. On the other hand, we now have a much more optimistic vision of human development. The emotionally traumatized child is not doomed, the parents' early mistakes are not irrevocable, and our preventive and therapeutic intervention can make a difference at all age-periods (p. 221).

Programs for Children

The "bonding" issue is central to the arguments in support of prison nurseries. Other reasons given are that caring for an infant has a beneficial impact on the rehabilitation of the inmate-mother; that the responsibility of motherhood contributes to the self-esteem and integration of

her personality and identity; that depriving the infant of its mother is a punishment that the child should not be subjected to; and it eases the mother's guilt and anxiety about leaving her children.

However, Stanton (1980) has pointed out that incarcerated mothers tend to "exaggerate their maternal solicitude" and "often express very unrealistic and ideological perceptions of their maternal role." Baunach (1982) has made a similar observation.

Prison nurseries are only one end of a continuum of programs that have been developed for the children of incarcerated mothers. At the other end of this continuum is the care of the children by the extended family (including grandparents, father, and other relatives) and foster care. Usually, in the case of foster parents, the preferable placements are in the community near the facility where the mother is incarcerated. When this is possible, visitation is eased and the children may play and interact with their mothers in a day care center or children's center.

Nurseries

A survey of administrators at 46 state institutions for women and four federal institutions found that they were divided on the subjects of prison nurseries and whether children should live in the institutions (Association on Programs for Female Offenders, 1981).

Prison nurseries where infants may stay following birth exist in North Carolina, Ohio, and Pennsylvania (and perhaps other states), but at these institutions the infants are usually

housed in the prison infirmary until arrangements can be made for the placement of the child with foster parents, or other caregivers. Placement of the infant may take up to a week, but this is only a temporary situation.

The only prison nursery in the United States where infants may stay a longer period of time is at the Bedford Hills Correctional Facility for Women in New York. With almost 500 women inmates, their program includes a children's playroom, a parenting center, a furlough house in Brooklyn (where an inmate-mother may spend a week with her children), and the nursery.

The nursery has been at Bedford Hills for over 60 years and currently houses 12 mothers and 12 children who remain there up to one year of age. The decision as to the length of time a child stays with its mother is up to the mother, and "some part with their children in a matter of weeks," while "most others keep the baby for as long as they can." The nursery is brightly painted and the surroundings safe but "crowded." A description of the program received from Bedford Hills states, "It is a true test of a mother's desire to care for her baby that she is willing and able to live, sometimes three to a room, at times even four to a room, in order to keep her baby with her."

Without a scientific evaluation and followup, it is difficult to determine what the effects are of overcrowding and the trauma of separation at one year to the child.

The Federal Correctional Institution at Alderson, West Virginia is the only all-female federal institution in

the United States. A contract with the State of West Virginia provides for the incarceration of female offenders who are under the state's jurisdiction. During 1981, a nursing home for the elderly was used to house incarcerated pregnant women two months prior to the birth of their babies and two months after the birth for purposes of "bonding," provided these women had a relatively short time remaining on their sentences. However, this program was discontinued when the nursing home no longer had space available for the incarcerated mothers.

In West Germany, at Preungesheim Prison in Frankfurt, a Children's Home was built in 1975 at a cost of \$800,000 and its capacity is 20 women and up to 25 of their children (Newsweek, 1976; Greening, 1978). The children range from infants up to six years of age. The program has two objectives: 1) to keep detrimental influences from the children and keep the children with their mothers, and 2) to aid in healing children both physically and mentally. The house is staffed by five correctional officers, four nurses, and a cook who also teaches cooking to the inmate-mothers, and two social workers. The house is physically separate from the rest of this maximum-security institution. During the period 1975 to 1978, 91 women and 108 children have been through the Children's Home, and only one recidivist has been reported. A five-year evaluation of the program has been planned, and some legislative efforts to expand this program throughout Germany have been reported.

It has been reported that incarcerated mothers in Japan may keep their children in the institution up to the age of one year.¹

In the United States, some states (California, Florida, Illinois, Kansas, Massachusetts, Pennsylvania, and Virginia) have had legislation and/or nurseries for the children of incarcerated mothers but which are no longer in operation. An effort was made to determine why such programs were discontinued in order to guide decision-makers in Iowa and other states in their planning of programs. These findings will now be summarized.

California: The legislation in California regarding children staying at correctional institutions with their mothers has been difficult to keep track of because of frequent changes in recent years. Consequently, published articles are often inaccurate because they are out-of-date.

Section 3401 of the California Code was passed in 1919 and it allowed an incarcerated mother to keep her child(ren) with her in the institutions up to the age of two years. The statute allowed the Department of Corrections discretionary authority to make this decision, and policy review allowed a mother to keep her child with her while incarcerated at the California Institution for Women at Frontera. This policy was challenged in 1976 in Cardell vs. Enomoto in California Superior Court. The discretionary authority remained with the department, but denial had to be on "reasonable grounds," (Star, 1981).

¹Personal Communication, Michael Hess, Unit Administrator Hale Nona Wahine, Hawaii (June 9, 1983).

The National Council on Crime and Delinquency proposed an alternative modeled after the Prison MATCH ("Mothers And Their Children") Program which was established in 1978 at the Federal Correctional Institution at Pleasanton, California (Rosenkrantz and Joshua, 1982). Instead of having an infant at the institution, strengthening the mother-child bond would be accomplished through a) improved conditions for visiting, b) inmate training in parenting and early childhood education, c) improved prenatal care, and d) referrals for other social services.

Instead of this alternative proposal, the California Legislature passed Sections 3410-3424 of the California Penal Code to be effective by January 1, 1980. On the premise that "the prison was a poor place to keep infants," the statute established a community treatment program for incarcerated mothers and their children. The Community Prisoner Mother Program (CPMP) initially provided for a child to remain with its mother up to the age of two years, but during the first year of implementation only six inmate-mothers had been placed in community facilities with their children. The evaluation of this program concluded that the eligibility requirements were too restrictive and this accounted for the limited participation (Star, 1981).

The legislation had a Sunset Clause and it expired in mid-1982, but a new statute was passed in July, 1982 (Assembly Bill 415 amended Sections 3411-3424) which changed the maximum age of the child to six years, and included more specific criteria. This legislation, as of May, 1983, was still in the

process of implementation and community facilities were being selected.

Florida: From 1957 to 1975, babies had been kept at the Florida Correctional Institution at Lowell (medium security) and at the Broward Correctional Institution (maximum security). The babies could remain there up to the age of 18 months. Around 1975, women prisoners who gave birth had their babies placed directly from the community hospital and were not brought to the prison. The statute was amended in 1979 and discretionary authority was given to the court to decide the "best interests of the child."

An inmate, Terry Jean Moore, became pregnant by a prison guard and gave birth on March 22, 1979, and petitioned the courts to force the institution to comply with the existing statute. In 1979, the Legislature passed a bill providing procedures by which incarcerated mothers could request the court to decide whether they could keep their babies at the institution. Under that legislation as many as ten children were at the Florida Correctional Institution at Lowell at any one time. In 1981, the legislation was repealed and no babies are allowed to remain at the institution.

Brodie (1982) presents the following issues raised in Wainwright vs. Moore (374 So. 2d 586, Florida District Court of Appeals, 1979) in support of incarcerated mothers keeping their children with them while in prison:

1) In recognition of the importance of the mother-child bond, the mother should not be deprived of her right to maintain physical custody of her child.

2) The bonding process is important to the mother's identity and self-image as a woman.

3) The mother-child bond is critical to the infant's mental health and development.

4) The future relationship between the mother and the child depends on the development of a bond during the child's first 18 months. A breach in the bond may be irreparable.

5) The predictions of negative consequences to a child who remains at a correctional institution to the age of 12-18 months have not occurred in New York State which "has had an on-going program for the last 40 years."¹

The reasons given for the repeal of this legislation (as presented on the telephone by an aide of a Florida Legislator who sponsored the repeal) are as follows:

1) A prison is not a normal environment and is not a place for children. The "normalcy" requirement referred to the absence of contacts with males at the women's institution, and the lack of opportunities for everyday interactions, such as visits to grocery stores, etc.

2) The security and liability were too much to assume and the children could not be housed in a separate unit.

3) The women were looking for special privileges in caring for the child, and there were no programs or time for the rehabilitation of the inmate-mothers. Cases were cited of mothers who prior to imprisonment had not cared for their

¹Brodie, 1982, footnote 31, p. 682 with reference to Junior League of the City of New York, "Prison Nursery Study: A Summary Report of Findings," (August, 1974).

children, and of suspected child abuse resulting in an infant's death.

4) The Department of Corrections could not function as a nursery or babysitting service.

5) There were concerns for the security of infants.

6) Animosity was noted between inmates. For example, a mother whose baby was born prior to her incarceration could not keep it in prison with her, while another, who gave birth after incarceration, could keep her baby with her.

7) There were concerns over the best interests of the baby, rather than the best interests of the inmate-mother.

8) The Florida Attorney General held that if a baby were killed by an inmate, the state would be held liable and could be sued.

9) The Attorney General held that a separate facility was needed for security reasons. At first, the hospital was closed and used as housing for the mother and her infant, and later, cottages outside the prison were used until the statute was repealed.

10) No scientific evaluations or valid statistics were available on the results and effectiveness of such programs.

The present superintendent at the Lowell Institution, William E. Booth, has stated:

The general opinion of the other inmates at the institution has fluctuated considerably, and probably as you expect, some inmates feel that babies should be allowed to stay here, others do not, and some care very little one way or the other, or at least they have not verbalized their individual opinion. It is my opinion, however, that in general the overall population at this institution has accepted the nursery program well and has not caused a great deal of difficulty with the inmate mothers and their children.

Illinois: From 1927 to 1973, inmate-mothers could keep their babies at the Dwight Correctional Center until one year old, unless there were "special reasons" to remain. This was replaced by a new statute in 1973 (Ch.38-1003-6-3) which was discretionary and allowed the Department of Correction to handle the birth of infants at a facility as was "necessary or appropriate." But infants were not returned to Dwight upon birth. Instead, inmate-mothers made arrangements for the care of their babies prior to delivery, and in the majority of cases, they were placed with their immediate family members.

The following are "a few" of the "numerous" problems that were cited in allowing mothers to keep their babies at the institution: 1) inadequate housing, 2) problems of health care, 3) disciplinary actions and the segregation of inmate-mothers, 4) pre-release placement of the mother, and 5) overcrowding of the institution.

Kansas: Kansas passed a statute (76-2506) in 1917 which permitted the State Industrial Farm for Women at Lansing to house a child up to the age of two years. According to some of the older inmates, when the population of the women's institution was smaller (about 40 inmates), "there were more children than inmates."

This statute was repealed in the 1973 session of the Legislature, to be effective July 1, 1974.

The reasons given for the repeal were as follows:

1) The statute was not used between 1962 to 1973, and as part of the modernization of the code this statute was therefore repealed.

2) The state did not want to assume the risk to the child since the facilities were considered inadequate.

3) The expert opinion at the time was that it was bad for the child to be with the parent for two years and then face the trauma of separation.

4) The population of the institution had increased and it had become overcrowded.

The current superintendent, Sally Halford, gave her views on the subject of children at the institution, which has now become co-correctional:

1) There are no facilities for children; perhaps if separate facilities were available.

2) They would fear for the child's safety. There are not enough staff to watch the child.

3) It might be possible if inmate-mothers were properly screened. Some inmates were poor mothers prior to their incarceration.

4) It would be an expensive program requiring funds for medical expenses, additional staff, and separate facilities. "Men could also be involved with their children, but this is usually not emphasized."

5) She is "not enthusiastic" about the idea because incarcerated mothers have so many problems of their own when they arrive at the institution that they should not have the additional burden of raising children.

6) "Having babies at the institution has benefits, but these would not outweigh the costs of the presence of drugs or alcohol, the dangers to the child, etc. For example, one

inmate had ingested a drug and it took her three days to recover from its effects."

Massachusetts: Babies stayed with their mothers at the Massachusetts Correctional Institution at Framingham from 1858 to 1958. A female prisoner could have custody until the child reached the age of 18 months. There were some exceptional cases when children were allowed to remain there until they were three years of age. "During the time that mothers were allowed to have children here, a volunteer nursing organization came throughout the day as mothers were expected to work with all other inmates daily, and take care of their children from approximately 6:00 p.m. on, until the following morning."

Some reasons given by the present superintendent, Peter Argeropoulos, for the repeal of this legislation were that there were concerns about liability and "management problems."

Pennsylvania: The health care administrator of the State Correctional Institution at Murray provided the following account which describes an event occurring 20 years ago at the institution:

In compliance with your request for historical information on the subject of "infants rooming with mother," I have searched charts and memories of staff involved and found the following:

1. We have had only one experience with this situation.
2. In this one case when the baby was 27 days old, she was transferred to her mother's cottage. It was stated that the mother was unable to make a home plan for this baby to her satisfaction and after several appeals to the superintendent was given special permission for this housing arrangement. The cottage she lived in had ample room and the inmate had two rooms, one for the baby and one for herself with a connecting bathroom.
3. After the baby was one month old and infant food was ordered by the physician, it was necessary for

someone from the nursing staff to do the shopping for jarred baby food, juice, cereal, and fruit. This was necessary as these foods could not be procured inhouse by requisition. It was a constant inconvenience to the nursing staff.

4. Special arrangements had to be made with the laundry to have the baby's clothes laundered first thing in the morning before one washer was used for institutional laundry. The mother did not always have the dirty clothes ready and this proved to be a handicap at the laundry.

5. The mother very soon became bored with caring for the baby and manipulated other inmates to care for her. When the mother was assigned house work to do she used the baby's care as a reason to be excused from a detail. She used the baby's presence to evoke sympathy and favors from staff as well as inmates.

At the end of 8 months there was much unrest in the cottage and the baby was taken by the mother to a community living arrangement when she went on furlough" (letter of March 28, 1983 from Harvey Bell).

Virginia: In 1918, a Virginia statute allowed incarcerated mothers to keep their children up to the age of four (this section is summarized from Brodie, 1982). This was amended in 1930 to essentially the current statute which authorizes the Director of the Department of Corrections to decide whether a child should remain with its mother at the institution if he deems it in "the best interests of the child."

Brodie was not able to obtain information on this program prior to 1943, but from 1943 to the early 1960's, women were permitted to keep their children until the age of 2. Mothers could visit with their babies on Sunday afternoons. As many as 21 babies were at the institution for women which was part of the men's penitentiary at Richmond until 1932 when the Virginia Correctional Center for Women was built in Goochland, Virginia.

Most babies left the institution between the ages of 9-18 months. The length of stay of babies decreased to three months around 1964 and to 30 days in 1968. In 1976, the current superintendent arrived and discontinued the policy for the following reasons:

- 1) She decided it was not in the best interests of either the infant or the mother.
- 2) It would be easier for both mother and child "if the separation was made before they become attached to each other."
- 3) The facilities were inadequate.
- 4) The "feelings of other women inmates whose incarceration had forced them to leave their children behind."
- 5) The prison was not thought to be "the proper environment for a child in its formative years."

Brodie points out that "the policy of not allowing the babies to return to the institution with their mothers has never been reduced to writing" (f.n., p. 689). No case has ever been litigated in Virginia challenging the director's authority to decide what is "in the best interests of the child." Brodie writes, "Virginia is at a crossroads. Its statute is not an accurate reflection of actual practice; in fact, the statutes and reality are diametrically opposed. There are clearly two options if the state wishes to correct the current situation: 1) the General Assembly can either repeal or revise the current statute; or 2) the Department of Corrections can formulate a policy that is in compliance with the statute."

The "policy should provide for an individualized hearing by the Director" who "would be able to make a case by case determination based on the facts of each case," (p. 691).

Children's Centers and Day Care Centers

Many institutions have an area set aside for the children to play adjacent to the visiting area while the inmate-mother and visiting adults visit. The mother may use the area to play and interact with her child. The Children's Center may be equipped with donated toys or be a "Sesame Street" project.

At the Federal Correctional Institution at Pleasanton, California, the Prison MATCH program was established in 1978 and provides an integrated program with these four components:

1) Children's Center: here, the inmates (both mothers and fathers, since the institution is co-correctional) and their children can spend days together on the weekend. It is staffed with child development specialists and trained inmates. Its purpose is to strengthen relationships between the parents and the child.

2) Supportive services are provided for inmates to assist them in custody cases, crisis intervention, and foster care.

3) A nearby community college has the responsibility for a "Human Services Training Program" in which inmates learn paraprofessional skills to enable them to work with children and their families. This follows a self-help and peer-help model of supportive services.

4) The "Reading is Fundamental" program allows children to pick out books and take them home.

At the Purdy Treatment Center for Women at Gig Harbor, Washington, a day care center is available to children from the surrounding community, but not to inmates' children. This is part of the community college training program and provides the inmates with an opportunity to work and receive training as day care aides. To be employed by the program, inmates must have completed a three-month child development course.

At the Bedford Hills Correctional Facility in New York, the Children's Center has four components: 1) Children's Playroom, 2) Parenting Center, 3) Nursery, and 4) Providence House in Brooklyn. This program is funded by the State of New York and Catholic Charities, and has a budget of \$85,000 per year. The Children's Playroom is staffed by one teacher and eight inmate-caregivers. They have about 250 child visits and serve 125-175 inmates each month. It is open seven days a week, and inmates may attend classes and work toward three levels of certification.

At the Massachusetts Correctional Institution at Framingham, there are plans to develop a family visiting room where families can visit together for three to six hours in an informal, home-like environment without being under the constant surveillance of a correctional officer.

THE INMATE

While the emphasis in this paper and in the literature is on the inmate-mother, the inmate-father should have access to the same support services as the mother. Baunach (1979) has emphasized the need for more research on incarcerated fathers and their children.

In one of the few papers encountered on this subject, Sack (1977) points out that the paternal role in theories of child development has been "historically neglected." He cites a finding by Rutter (1971) that "boys were more likely to show psychiatric disorder if it was the father rather than the mother who died or was ill." However, Rutter (1971) wrote, "It may be that the importance of the same-sexed parent is marked only at certain ages, perhaps in adolescence." He called attention to the need for more research while suggesting that parental discord may be more important with boys than with girls, and that boys appeared to be more vulnerable to psychological and biological stresses than girls. Walker et al (1981) have reported similar findings among Danish children.

Sack studied six families in Boston over a three-year period in order to determine the effects on 24 children in these families following the incarceration of their fathers. He found half the children showed behavioral problems, such as aggressive and antisocial behavior, especially among the boys.

Programs

Almost 90% of the 55 institutions surveyed for this report had classes on parenting and related subjects, or were planning such courses (Table 1 and Chart I). However, this figure may be exaggerated and include subjects that are not specifically designed for incarcerated mothers.

A program to meet the needs of families of incarcerated men at the Washington State Reformatory at Monroe

was started in 1973 and provides family education, early childhood education, and children's activities (Taylor and Durr, 1977).

Volunteers have been used to provide various supportive services for the families of offenders in a special pilot project, "Women in Crisis," in Hartford, Connecticut (Fishman and Alissi, 1979).

Buckles and LaFazia (1973, pp. 43-44) have stated that an inmate-mother who is "worried over or defending her role and rights as a mother has little time or energy left to participate in the counseling or rehabilitative resources available to her. Alleged or real injustices or hurts regarding their children are extremely effective red herrings that women can use to avoid personal issues."

In Iowa, and other states, inmates have an opportunity to enroll in such classes as child development, parenting skills, prenatal care, first aid, nutrition, child rearing, job opportunities, child abuse and neglect, family relations, communications, etc.

A concern of inmates who have their children temporarily placed in foster homes is to maintain contact with the foster parents (Buckles and LaFazia, 1973). If the children are in a foster home near the institution, the maintenance of communication and scheduling of regular visits is easier than if the child is at a great distance from the institution.

In the latter instance, transportation problems must be overcome, often through the assistance of volunteer organizations, such as "Prison Fellowship," and "Parents Anonymous."

Foster parents may be reluctant to expend time and expense to bring the children to visit the inmate-parent, or may be opposed to maintaining such contact with the prisoner, and in such cases, the institution may employ a coordinator (as at Bedford Hills Correctional Facility in New York) to function as a liaison between the inmate-parent and the foster family or child welfare agencies.

The need for a greater integration of the supportive and social services that various governmental agencies might provide to inmates, and their children and families, has been stressed by a number of authors (Chaiklin, 1972; Henriques, 1982; McGowan and Blumenthal, 1978).

Legal services are often required by inmates in custody problems as well as appeals, etc., related to their present offense and conviction.

Discussion groups provide support to inmates, in addition to individual counseling. "Parents Anonymous" is a therapy group that assists child abusers and it has been active at the Huron Valley Women's Facility in Ypsilanti, Michigan. Substance-abuse problems are frequently treated through discussion groups.

Slagle (1981) conducted a study of the child-rearing attitudes of 30 incarcerated mothers, and concluded, "Parenting programs in and of themselves are not sufficient to promote feelings of parental worth and positive attitudes toward children. . . Parenting programs may serve to educate mothers about reciprocal interactions but other programs must also be available to promote positive growth experiences, such as

educational advancement, vocational training, and support groups."

Showalter and Williams (1980) have described marital workshops at the Kansas State Penitentiary at Lansing in which inmates within six months of their release are able to explore their marital relation with their spouses for an entire weekend.

Furloughs

Of the 55 institutions contacted for this study, almost 80% provided furloughs for inmates to spend time with their families and children, in addition to emergency furloughs (Table 1 and Chart I).

"Mother release," or furlough programs for mothers to be with their children have been recommended by a number of writers (McCarthy, 1979; McGowan and Blumenthal, 1978; Palmer, 1972; Sametz, 1980; Stanton, 1980). At the Bedford Hills Correctional Center in New York, inmate-mothers are able to spend a furlough week with their children at Providence House in Brooklyn. McCarty (1979, 1980) describes the furlough programs in New York and Connecticut, and concluded that furlough programs ease the time remaining on the inmate's sentence. While the furloughs may preserve mother-child ties, they may not prepare the inmate-mother for the assumption of parental responsibilities since it was found that the home visit may not be devoted to "parenting," but to visiting with friends and relatives and sharing activities with their children (McCarthy, 1980, p. 208).

In Georgia, a pregnant inmate may be granted a "parole reprieve" of six to eight weeks in order to give birth and arrange the placement of her infant.

In Michigan, women are transferred from the Huron Valley Women's Facility to corrections centers in different cities from which they may receive furloughs up to 48 hours to be with their children and families. Although at one time residents at the centers had to have a job to go to the centers, because of the current poor job market in Michigan this is no longer mandatory.

In Florida, emergency and non-emergency furloughs may be granted for varying lengths of times, but usually up to a maximum of 48 hours. The furloughs are available to married and unmarried inmates and may be from the institutions as well as community/work release facilities.

Liberal furlough programs that enable mothers to spend time with their children and families were noted in Maryland where a person may leave for a weekend every two weeks (under certain conditions), in Missouri (up to 30 days per year and for a maximum of five days plus travel time), and in New York (up to 28 days per year and for a maximum of seven days per furlough).

At the Purdy Treatment Center in Washington, a trailer that is used for family visits is also used as a "Day Away" for eligible inmates who want 12 hours in which to be by themselves.

The Iowa Legislature introduced a "Work Release Law" (Chapter 220, Section 2) in 1967.¹ Along with the usual

¹Attorney Roger Nowadzky of the Iowa Legislative Service Bureau was kind enough to provide me with this history of this legislation.

provisions for work release and educational release, the statute authorized the following:

In the case of female inmates the program may include housekeeping in her domicile.

This section (Chapter 247A.2, Iowa Code of 1971) was amended in 1974 by Chapter 1093, "an Act relating to statutory provisions affecting the legal treatment of male and female persons..." This amendment broadened the statute to apply to both sexes, as follows:

In the case of inmates who have children in their homes under the age of 18 years, the program may include child care and housekeeping in their homes (247A.2).

Iowa has a liberal furlough policy at the women's institution at Mitchellville. In addition to emergency furloughs, residents are eligible for community visit furloughs, community service furloughs, and community placement furloughs.

"Community visit furloughs" are available so that residents can "maintain family relationships." Furloughs may be for eight hours every other week, 48 hours every month, and 72 hours every two months. Eligible women could theoretically be released a maximum of 1,216 hours per year. This means that 14% of a year could be spent with her family, compared to 8% of a year's sentence in Missouri or New York.

The eligibility requirements in Iowa include a minimum-custody status for 45 days; no recent escapes or revocations from parole, probation, or work release; no recent disciplinary reports; satisfactory "ratings" from the staff; and at least \$20 in an institutional account.

During March and April, 1983, 17 different residents at Mitchellville went out on community visit furloughs for one to three days (about 16% of the average daily population of 106 residents), and some of these persons may have had more than one furlough.

In Ohio, on the other hand, an inmate is eligible for a furlough 3-4 times a year only if she has been on "honor status" for two years. The program has been called "very successful."

The idea of furloughs for inmates to be with families is closely related to the visits of families to the institution to be with the inmate, and the next section of this report will deal with a continuum of programs and possibilities that are available.

THE FAMILY

At one end of the continuum are community facilities for mothers and their children and at the other end are penal colonies. In between, there are visitation policies of varying kinds and duration.

The rationale for such programs can probably best be briefly summarized by the following policy statement from the "Second Chance" program in Minnesota:

Through these various components we are attempting to assist these women in preserving and restructuring the family unit during the incarceration while at the same time increasing their skills in parenting and helping them to plan for a smooth transition back to their parental caretaker role.

Sack et al (1976) interviewed a small sample of incarcerated parents in Oregon and recommended a strategy of intervention

that included family counseling, and the inclusion of the family in any program of rehabilitation for the prisoner.

Community Facilities

Four states (California, New York, North Carolina, and Washington) were found that have community facilities for mothers and their children at various stages in their incarceration (Table 1 and Chart I).

As was mentioned earlier, California has had some experience with community facilities for mothers and their children. The restrictive eligibility requirements of the initial legislation included the following: a) the inmate-mother will probably be released within two years (later changed to six years); b) no prior prison term; c) the woman was the infant's primary caretaker prior to her incarceration; d) the age of the infant in relation to the amount of time the inmate-mother has remaining on her sentence (the two-year sentence requirement was recently changed to six years); 3) not found unfit by the court; and f) not more than 30 days elapsed between the mother's incarceration and the date of her application.

In addition, the Department of Corrections established rules and regulations regarding exclusion from the program based on the inmate-mother's institutional behavior: The mother would not be eligible if she was guilty of a) the use or possession of narcotics; b) violent or assaultive behavior toward the staff or other inmates; c) required lockup; or d) unwilling to become constructively involved in treatment programs while in the institution.

The revised statute requires only that the inmate-mother a) has less than six years left in her sentence, b) was the primary caretaker of the infant prior to incarceration, c) not found unfit by the court, and d) an application is made within 30 days of the mother's incarceration.

This program has been placed under the Parole and Community Services division and one of the criticisms of the current statute that has been reported is that the inmate-mother who is in a community facility with her child is still technically in prison. Although 72-hour special leaves are granted, the inmate-mother is restricted in her movements while at the facility and this does not permit her to assume her full parenting responsibilities.

Visitation Policies

Visitation policies and conditions vary at each prison (Baunach, 1982). The hours and days may be very limited or extensive. It has been reported that 78% of 40 state prisons surveyed had traditional visitation policies of fixed hours, searches, and contact visits, and 60% had play areas for children (Neto and Bainer, 1982). Only one prison was found that did not permit contact.

Twenty of the 55 institutions surveyed (36%) either had or planned to have opportunities for the children of incarcerated mothers to stay overnight at the institutions (Table 1 and Chart I).

The Purdy Treatment Center for Women in Washington has in the past allowed children to live in apartments on the institution's property with mothers who were eligible for work

release. This program has recently been discontinued because of problems of overcrowding, as part of an effort to reduce escapes, and as a result of changes in public attitudes and the "political climate."

The "Second Chance" program in Minnesota includes weekends for children to stay with their mothers and an annual "Children's Week" as one of its eight components (along with parent education, support groups, individual counseling, foster-placement assistance, advocacy, prenatal services, and family counseling). While at the institution, children live in cottages and are supervised by their mothers.

The "M.O.L.D." (Mother Offspring Life Development) program at the Nebraska Center for Women at York allows children to stay with their mothers in her room for five days on a regular monthly basis. Overnight visits are limited to girls up to the age of 12, and to boys up to the age of 9. The children must be at least six months old and a mother is limited to two children. During the visit an inmate-mother is relieved of work assignments and is responsible for the activities and care of the children. Overnight visits are denied if an inmate is being disciplined by a restriction to her room.

The "P.A.C.T." (Parent and Child Together) program at the Women's Correctional Facility at Yankton, South Dakota, arranges for an inmate-mother and her children to spend a week every month at the institution. The mothers have no other responsibilities during this time except to be with their children. The age limitations are up to 13 years of age for girls and up to 12 years for boys. Because the correctional facility is on

the grounds of the State Hospital, the mothers and their children have access to a recreation building, a swimming pool, a bowling alley, and gymnasium. This program is modeled after, but less structured than the "M.O.L.D." program in Nebraska. Although there has been little research on the impact of this program on the mothers and their children, the children are reported to have a positive impact on the other residents. The deputy warden at Yanton, Ms. Lynn Delano, mentioned, "When you see the mother and child greet each other as they arrive, it makes the whole thing worthwhile."

Family Visits and Conjugal Visits

Semantically, the term "family visits" is sometimes preferred to "conjugal visits," but the programs are similar in their intent to preserve and maintain the marital bond and the family unit.

As summarized in Table 1 and Chart I, five states currently permit conjugal visits. These states are: California, Mississippi, New York, South Carolina, and Washington. The District of Columbia has also been reported as permitting conjugal visits. In addition, the New Mexico legislature recently passed a statute permitting conjugal visits in maximum security institutions, but funds have not yet been appropriated.¹

In Latin America, the following 14 countries allow conjugal visits: Bolivia, Brazil, Columbia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Paraguay, Peru, and Venezuela (Goetting, 1982).

¹Personal Communication, Michael Johnson, Radium Springs Center for Women, Las Cruces, New Mexico (June 9, 1983).

In Mexico, particularly at Las Islas Marias, "the 'reclusorios' are in stark contrast with the fortress-like prisons in the United States" (Burke, 1981). The reclusorio is "visually attractive, quiet, tranquil, and like a college campus" with small one- or two-story buildings. Family visits are an "integral part" of prison life with one-third of the compound designed for family activities. Conjugal visits are permitted in a motel-like building.

While U.S. prisons emphasize the equality of all inmates, Mexican prisons do not attempt to remove individual and class differences. Inmates may keep almost anything in their rooms, dormitories have cooking facilities for preparing food from home, inmates wear their own clothing, and "small shops sell everything." Labor is not compulsory and prisoners can pursue their own profit-making endeavors, or do nothing. A few cottages can be rented by wealthy inmates; one inmate "even has his secretary come in every day" (Burke, 1981).

The earliest programs for conjugal visiting in the United States were established in the later 19th and early 20th century in South Carolina and Mississippi. These programs were originally for males only but have been extended to female inmates in recent years. At the Mississippi State Penitentiary at Parchman eligibility for participation is restricted to legally married spouses. There are no restrictions based on the nature of the crime for which imprisoned, nor for disciplinary reasons.

Private visits at the institutions have been authorized in houses, efficiency apartments, tents, trailers, mobile homes, and cars.

Various eligibility requirements and policies are detailed by Goetting (1982). The visitors are typically legal spouses, children, parents and grandparents, siblings, and legal guardians.

A pilot program using trailers for conjugal visits at the Purdy Treatment Center for Women in Washington was adopted and extended to the men's institutions...an interesting example of the women's movement having a liberating impact on men.

Goetting (1982) provides a balanced summary of the arguments in the debate about conjugal associations. She identifies the opposing factions as the following: a) Opposed: conservatives, the correctional establishment, and right-wing politicians; b) In favor: liberal social scientists, journalists, and ex-convicts. She states that these arguments are the "same as 35 years ago." These issues are categorized as "moral, practical, and legal."

Arguments in favor of conjugal association (Goetting, p. 62):

Moral Perspectives: 1) appeals to humanism; 2) an emphasis on the sexual and emotional frustrations of the prisoner and his/her "innocent" spouse; 3) it provides the "emotional support that accompanies human intimacy;" and 4) it enhances an inmate's self-esteem.

Practical perspectives: 1) conjugal visits reduce tension and hostility among inmates; 2) they provide an incentive for conformity and enhance the institutional objective of "control;" 3) promote a normal lifestyle in preparation for the transition and reintegration into a free society; 4) there is an increasing likelihood of postrelease success; 5) fosters marital stability; 6) reduces homosexuality and rapes. Regarding this last issue,

Goetting qualifies this by stating, "Much evidence suggests that prison homosexuality is instead an expression of the urge for mastery by people who have been placed in a position of powerlessness, a condition not solely related to sexual deprivation" (p. 63).

Legal perspectives: the denial of conjugal visits may be unconstitutional (based on the 1st, 8th, and 14th Amendments).

Opposed to conjugal association (Goetting, p. 67):

Moral perspectives: 1) a blatant inequity favoring married inmates; 2) will transform prisons into "whorehouses," corrupt staff and degrade prisoners' wives.

Practical perspectives: 1) there is some public opposition, but opinion surveys report 50% support such programs; 2) custody and security problems may occur; 3) financial and budgetary limitations; 4) inmates' wives will become pregnant and their children will be supported by public assistance.

Legal perspectives: 1) there may be liability risks to the prisons; 2) people signing waivers may not fully understand their significance and these may be unenforceable.

Goetting concludes as follows (p. 71):

Family visitation programs in the U.S. undoubtedly provide a more humane institutional environment for inmates but such practices cannot at this time be based without question on other alleged advantages. There is no solid research support for contentions that such programs reduce homosexuality, enhance social control, normalize prison life-style, increase postrelease success, or stabilize marriages. At the same time, there is clear evidence of security and operational problems. Research exploring the outcomes of private family visiting is badly needed to aid administrators in decisions about the implementation of new programs and improvement of those already in operation.

Penal Colonies

Probably no topic in this report is as controversial as prison colonies. The words awaken thoughts of Devil's Island or Franz Kafka.

However, several writers have described the positive and benign aspects of prison colonies. Such colonies have been established in Mexico, India, Pakistan, and the Philippines (Cavan and Zemans, 1958). In the Philippines, 3,600 minimum security prisoners and their families may serve the remainder of their sentences in the Davao penal colony after completing one-fifth of their sentences. They are provided with plots of land, tools for farming, subsistence, clothing and schooling for their children either within the colony or on the island (Cavan and Zemans, p. 138).

In the conclusion to the Cavan and Zemans paper (1958), they refer to their recommendations in their earlier Zemans and Cavan paper (1958), which "advocated experimentation with home leaves," and added "the tentative suggestion that some open prisons" (in the United States) "might like to experiment with the practice of permitting families of prisoners to live on the grounds" (p. 139). Even after 25 years, I am not aware of any "open prisons" in the United States.

In a book titled The Open Prison: Saving Their Lives and Our Money, Chaneles (1973) advocates a broad range of reforms of corrections in the United States and describes a euphemism for penal colonies --- "transitional communities." He offers several possibilities:

a) prisons could be converted into "factories, schools, hospitals, and meeting places" and could be merged with the surrounding communities;

b) transitional communities could be in or near large cities as expansions of factories or attached to colleges;

c) they could be created in the deserts; or

d) they could be established in the abandoned coal-mining towns of Appalachia (pp. 194-202).

In a paper titled, "The Penal Colony: Relic or Reform?" (1983), Murton argues convincingly for the benefits and low costs of establishing domestic penal colonies in "geographically dispersed areas" following the models of the Civilian Conservation Camps in the U.S. during the Depression, and the penal colonies of Mexico, India, and the Philippines. An innovative element is that civilian workers and their dependents could voluntarily commit themselves to these colonies.

He discusses the following advantages (Murton, 1983a and 1983b): 1) they would provide for the banishment of prisoners; 2) inmates could build their own facilities and would, through self-government, have a vested interest in making them livable; 3) they would be low-cost in building and self-supporting; 4) inmates could work on public works projects; 5) idleness of inmates would be eliminated; 6) inmates would be financially compensated and would be able to make restitution and pay taxes; 7) inmates would learn a trade; 8) the family unit would be preserved; 9) the costs of incarceration would be transferred from the victim to the offender; 10) "the convict would learn responsibility by accepting responsibility for his crime, his dependents, his

incarceration, and the obligation to his society;" and 11) "there would be less incidents, institutional violence, escapes, and assaults, and the transition upon release would be easier."

Murton argues that the U.S. doesn't have "a prison that resembles what we return inmates to." Or put in other words, "You don't put a duck in a sandbox to teach him how to swim" (Murton, 1983b). He concludes (Murton, 1983a): "The evil of the penal colony was not inherent in the philosophy; it was a function of the manner in which the concept was implemented."

CONCLUSION

I have attempted to review the literature and some of the current programs in all 50 of the states. Some of this information is summarized in Table 1 and in Chart I, at the end of this report (Appendix A).

In Iowa, at present, children may have unlimited day-long visits with their mothers at the Correctional Institution for Women at Mitchellville. The institution offers classes in parenting skills, nutrition, first aid, child development, legal rights, and children's activities. Adjacent to the visiting room is the Children's Center where children can play with toys during visiting hours.

Although a decision was made in April, 1983 to not establish a nursery at Mitchellville, the subject is being reconsidered and this report may help broaden the discussion to include other options that would benefit the children, the inmates (both male and female), the family, and the correctional system.

In these brief summaries of these options, I have tried to avoid adding to the emotional rhetoric that characterizes the subject. I have focused on the continua of programs that are available and on the pros and cons so that institutional administrators can plan comprehensive programs, and correctional decisionmakers and policymakers will be able to make enlightened decisions. With the creation of a new Iowa Department of Corrections by the Legislature during the 1983 session (effective October, 1983), this report may be timely. The importance of a continued effort to integrate and coordinate the services needed by offenders and their families will be even greater than in the past, prior to this reorganization.

The following observations are my summary of what I believe are the principal issues:

1) For humanitarian and moral reasons, more can be done for inmates' children and their families. The extent to which infants and children can be cared for at correctional institutions is to be decided on the basis of the amount of funds that a state is willing to commit to such programs and facilities, and on the basis of the individual facts of a case.

2) In some cases, a child's best option may be to remain with its mother in a correctional institution. The decision as to this question could be decided on a case-by-case basis¹ by regional foster-care review boards. A bill that would

¹This emphasis on a decision on a case-by-case basis is the conclusion of Brodie (1982), the Iowa pediatricians' consensus, and is called for in Wainwright vs. Moore (374 So. 2nd 586 (Florida District Court of Appeals 1979)).

establish such review boards (but not specifically dealing with prisoners and their children) was introduced during the 1983 session of the Iowa Senate (Senate File 322), but did not leave the subcommittee level of discussion.

3) As far as I have been able to determine, the reasons for discontinuing prison nurseries have been administrative, organizational, or political ones. I have not found any scientific evaluation or research that shows that having children in correctional institutions is either good or bad for the children, inmates, or the institution. Paralleling Tom Murton's comment above, any programs for prisoners that have been tried and discontinued may yet be proven to be worthwhile if given the appropriate funding and support. This is as true of prison nurseries as it is of penal colonies. But without adequate research and evaluation, we will never know.

4) With the past experiences of several states with prison nurseries, a valuable retrospective study could be conducted of former prisoner-mothers and the children who lived with them in correctional institutions in Florida, Illinois, Kansas, Massachusetts, and Virginia.

5) Iowa has had legislation since 1967 authorizing the use of work release for incarcerated mothers to care for their children and families, and since 1974 for incarcerated fathers, as well. Greater use of this statute (Chapter 247A.2) to maintain the family unit ought to be considered.

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APPENDIX

Chart I.--Survey of States and Programs for Incarcerated Mothers and Their Children.

State	Programs for Incarcerated Mothers and Their Children							
	Nursery	Overnight Visits; Extended Visits w/ Children	Family Visits/ Conjugal Visits	Children's Center	Classes for Inmates	Furloughs	Community Facilities for Mothers & Their Children	Other Information
Alabama	No	No	Fam.:Yes Conj.:No	No	Yes	Yes	No	N=282 (Tutwiler Prison, Wetumpka)
Alaska	No	Yes	No	No	Yes	Yes	No	N=34 (Meadow Creek Corr. Center, Eagle River)
Arizona a)	No	Yes	No	Yes	Yes	Yes	No	N=100 (Center for Women, Phoenix/Min. Sec.)
b)	No	No	No	No	Yes	No	No	N=180 (Corr. Training Center-Prairieville, Santa Maria/Med.-Max. Security)
Arkansas	No	Yes (WR apts)	No	Yes	Yes	Yes	No	N=172 (Pine Bluff) Separate work release apartments for mother & children for a weekend.
California	No	Yes	Yes	Yes	Yes	No	Yes	N=1,200 (Frontera)
Colorado	No	No	No	No	Yes	Yes	No	N=103 (Canon City)

Chart I.--Survey of States and Programs for Incarcerated Mothers and Their Children. (continued)

State	Programs for Incarcerated Mothers and Their Children							
	Nursery	Overnight Visits; Extended Visits w/ Children	Family Visits/ Conjugal Visits	Children's Center	Classes for Inmates	Furloughs	Community Facilities for Mothers & Their Children	Other Information
Connecticut	No	No	No	No	Yes	Yes	No	N=255 (Niantic) "Mothers In Prison Project", Parents Anonymous. Grant application to expand.
Delaware	No	No	No	No	Yes	Yes	No	N=81 (Claymont)
Florida a)	No	No	No	Yes	Yes	Yes	No	N=625 (Lowell/Med. Security)
b)	No	No	No	No	Yes	No	No	N=516 (Broward/Max. Security)
Georgia	No	No	No	Yes	Yes	Yes	No	N=537 (Hardwick), plus 191 in community facilities. "Sesame St." "Parole Reprieve" for pregnant inmates.
Hawaii	No	No	No	No	Yes	Yes	No	N=71 (Hale Nona Wahine, Kailua)
Idaho	No	No	No	No	Yes	Yes	No	N=39 (North Idaho Corr. Instn, Cottonwood)

Chart I.--Survey of States and Programs for Incarcerated Mothers and Their Children. (continued)

State	Programs for Incarcerated Mothers and Their Children							
	Nursery	Overnight Visits; Extended Visits w/ Children	Family Visits/ Conjugal Visits	Children's Center	Classes for Inmates	Furloughs	Community Facilities for Mothers & Their Children	Other Information
Illinois	No	Yes	No	No	No	From pre-release comm.cent.	No	N=434 (Dwight), plus 60 in pre-release centers.
Indiana	No	No	No	No	Yes	No	No	N=340 in two institutions, plus 55 in work release center.
IOWA	No	No	No	Yes	Yes	Yes	No	N=104. Liberal furlough policies.
Kansas	No	No	No	No	No	Yes	No	N=112 (co-correctional at Lansing), plus 80 at Topeka.
Kentucky	No	Yes	No	No	Yes	Yes	No	N=150 (Pewee Valley). "Kids Day", ten Saturdays per year. "Parenting Program" funded by River City Chapt. of Business & Profess. Women.
Louisiana	No	Planned	No	Planned	Yes	Yes	No	N=354 (St. Gabriel) "Program for Caring Parents."

Chart I.--Survey of States and Programs for Incarcerated Mothers and Their Children. (continued)

State	Programs for Incarcerated Mothers and Their Children							
	Nursery	Overnight Visits; Extended Visits w/ Children	Family Visits/ Conjugal Visits	Children's Center	Classes for Inmates	Furloughs	Community Facilities for Mothers & Their Children	Other Information
Maine	No	No	No	No	Home ec.	Yes	No	N=26 (South Windham)
Maryland	No	No	No	No	Yes	Yes	No	N=360 (Jessup) "M.A.P. - Mutual Agreement Programming."
Massachus.	No	No	No	Yes	Yes	Yes	No	N=240 (Framingham) "Sesame Street," "A.I.M.- Aid to Incarc. Mothers." Planning a family visiting room.
Michigan	No	No	No	Yes	Yes	From comm. centers	No	N=406 (Ypsilanti)
Minnesota	No	Yes	No	Yes	Yes	Yes	No	N=73 (Shakopee) "Second Chance" Program.
Mississippi	No	Yes	Yes	No	Yes	Yes	No	N=137 females, 3915 males (State Penit., Parchman) "Family Visitation" Program.
Missouri	No	Planned	No	Planned	Yes	Yes	No	N=160 females, 150 males (Renz) M.O.L.D. Program planned for after July, 1983.

Chart I.--Survey of States and Programs for Incarcerated Mothers and Their Children. (continued)

State	Programs for Incarcerated Mothers and Their Children							
	Nursery	Overnight Visits; Extended Visits w/ Children	Family Visits/ Conjugal Visits	Children's Center	Classes for Inmates	Furloughs	Community Facilities for Mothers & Their Children	Other Information
Montana	No	Planned	No	No	Planned	No	No	N=19 (Anaconda) Opened in 1982 on grounds of mental hospital.
Nebraska	No	Yes	No	Yes	Yes	Yes	No	N=77 (York) "M.O.L.D. - Mother Offspring Life Development" Program.
Nevada	No	No	No	No	Yes	Yes	No	N=160 (Carson City) Had a grant for a Family Life Activities Center, but funding ended.
New Hampshire				(Female felons are transferred out of state)				
New Jersey	No	Yes	No	Yes	Yes	Yes	No	N=315 (Clinton) "Parents Anonymous." Title XX/Salvation Army retreat camp for mothers and children.
New Mexico								
a)	No	No	No	Yes	No	No	No	N=42 (Santa Fe/Med.-Max. Secur)
b)	No	Yes	No, but statute passed	Planned	Yes	Yes	No	N=27 (Radium Springs Center, Las Cruces/ Min. secur.) "M.O.L.D.", Prison Fellowship New institution in Aug., 1984 at Grants.

Chart I.--Survey of States and Programs for Incarcerated Mothers and Their Children. (continued)

State	Programs for Incarcerated Mothers and Their Children							
	Nursery	Overnight Visits; Extended Visits w/ Children	Family Visits/ Conjugal Visits	Children's Center	Classes for Inmates	Furloughs	Community Facilities for Mothers & Their Children	Other Information
New York	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N=500 (Bedford Hills) Funded by state and Catholic Charities.
North Caro.	No	Yes	No	Yes	Yes	Yes	Yes	N=575 (Raleigh) "Sesame Street," "Mothers Support Group."
North Dakota	No	No	No	No	No	No	No	N=5 females, 396 males (ND Penitent., Bismarck)
Ohio	No	No	No	No	Yes	Yes	No	N=923 (Marysville) Eligible for furloughs 3-4 times a year, after 2 years of "honor status."
Oklahoma	No	No	No	No	Yes	No	No	N=216 (Oklahoma City)
Oregon	No	No	No	No	Yes	Yes	No	N=81 (Salem)
Pennsylvania	No	No	No	No	Yes	Yes	No	N=336 (Muncy) "Mr. Rogers Foundation," Prison Fellowship.

Chart I.--Survey of States and Programs for Incarcerated Mothers and Their Children. (continued)

State	Programs for Incarcerated Mothers and Their Children							
	Nursery	Overnight Visits; Extended Visits w/ Children	Family Visits/ Conjugal Visits	Children's Center	Classes for Inmates	Furloughs	Community Facilities for Mothers & Their Children	Other Information
Rhode Island	No	No	No	No	Nutritn, personal hygiene	Yes	No	N=33 (Cranston)
South Caro.	No	No	Yes	Yes	Yes	Yes	No	N=318 (Columbia) "Mother/Child Day," "Just for Kids" visiting room.
South Dakota	No	Yes	No	Yes	Yes	Yes	No	N=48 (Yankton) "P.A.C.T. - Parent and Child Together."
Tennessee	No	Yes	No	No	Planned	Yes	No	N=254 (max. sec.), 80 (min. sec.) (Prison for Women, Nashville) Weekend Child Visitation Program.
Texas	No	No	Fam.:Yes Conj.:No	No	"Home-making useful"	Yes	No	N=991 (Gatesville) and 738 (Mountain View).
Utah	No	No	No	No	No	Yes	No	N=31 (State Prison, Draper) New women's facility to open in Jan., 1984 "will allow more treatment programs."

Chart I.--Survey of States and Programs for Incarcerated Mothers and Their Children. (continued)

State	Programs for Incarcerated Mothers and Their Children							
	Nursery	Overnight Visits; Extended Visits w/ Children	Family Visits/ Conjugal Visits	Children's Center	Classes for Inmates	Furloughs	Community Facilities for Mothers & Their Children	Other Information
Vermont	No	No	No	No	Planned	Yes	No	N=11 females, 138 males (Chittenden)
Virginia	No	No	No	Yes	Yes	Yes	No	N=325 (Goochland) "M.I.L.K. -- Mothers Inside Loving Kids," "Sesame Street," Parents Anonymous.
Washington	No	Yes	Yes	Yes	Yes	Yes	For substance abusers.	N=166 (Purdy Treatment Center for Women, Gig Harbor) "Day Away" for inmates for 12 hours. Substance abuse treatment program as alternative to incarceration.
West Virginia	No	No	No	Yes	Yes	Yes	No	N=650 (Federal Corr. Instn, Alderson) Contract w/ state for female offenders.
Wisconsin	No	No	No	Yes	Yes	No	No	N=185 (Taycheedah) "T.T.T.-Together Today for Tomorrow."
Wyoming	No	Yes	Fam.:Yes Conj.:No	Yes	Yes	Planned	No	N=27 (Evanston) Female family members may visit overnight.

SOURCESAlabama:

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APPENDIX B

Uniform Law Commissioners Model Sentencing and Corrections Act
(Source: Stanton, 1980, pp. 187-188)

Section 4-1116. (Preserving Parental Relationships.)

(a) The director shall:

(1) assist confined persons in (i) communicating with their children and otherwise keeping informed of their affairs, and (ii) participating in decisions relating to the custody, care, and instruction of their children; and

(2) provide any confined person or any person accused of an offense access to relevant information about child-care facilities available in the department, counseling, and other assistance in order to aid the person in making arrangements for his child.

(b) The director may:

(1) establish and maintain facilities or parts of facilities suitable for the care and housing of confined persons with their children;

(2) authorize periodic extended or overnight visits by children with a confined person;

(3) authorize a child, upon the request of the confined person, to reside with the person in a facility while the person is entitled to custody of the child or if the person gives birth to the child during confinement.

(c) In determining whether a child may reside in a facility or visit a facility on an extended or overnight basis pursuant to subsection (b), the following factors, among others, must be considered:

(1) the best interest of the child and the confined person;

(2) the length of sentence imposed on the confined person and the likelihood that the child could remain in the facility throughout the confined person's term;

(3) the nature and extent of suitable facilities within the department;

(4) available alternatives that would protect and strengthen the relationship between the child and the confined person; and

(5) the age of the child.

(d) A child may not reside in a facility or visit a facility on an extended or overnight basis if:

(1) the division of correctional medical services certifies that the confined person is physically or emotionally unable to care for the child;

(2) the (Department of Welfare) certifies that the conditions in the facility will result in a substantial detriment to the physical or emotional well-being of the child; or

(3) the (juvenile, family court) orders that the child not do so.

(e) Whenever a child is authorized to reside in a facility or visit a facility on an extended or overnight basis, the director shall provide for the child's basic needs including food, clothing, and medical care if the confined person is unable to do so. The department is subrogated to any rights the confined person has against any other person or organization on account of those expenses.

(f) Whenever the director allows a child to reside with a confined person in a facility he shall notify the (Department of Welfare) which may take any action authorized by law to protect the best interest of the child.

(g) This section does not limit or otherwise affect the power of a court to determine the nature and extent of parental rights of confined persons or to determine the custody of children.

END